

REMARKS

Claims 1, 6, 9, 10, 11, 17 and 18 are now pending in the application. Claims 1, 6, 9, 10 and 11 have been amended. Claims 2-5, 7, 8 and 12-16 have been cancelled without prejudice. New claims 17 and 18 have been added. The basis for the foregoing amendments may be found throughout the written description, drawings and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Williams (U.S. Pat. No. 4,112,944). This rejection is respectfully traversed, particularly in view of the foregoing amendments.

Williams discloses a clamp and piercing device for conduit, such as the tubing that may be used to inject fluid into the human body.¹ Williams, col. 1, lines 25-30. Williams does not disclose a clamp for surgical use, i.e., for the clamping of vascular tissue during a surgical procedure on a human or veterinary patient.

The clamp of Williams comprises a pair of clamp jaws 14, 16 pivotally connected by a hinge means 18. In order to clamp a tubular member 12, the clamp jaws 14, 16 are brought together to a clamping position and locked by the ratcheted locking tabs 40 42. Semi-circular depressions 24, 26 in the clamp jaws accommodate the tubular member 12 between the jaws when clamped.

The claimed clamp of the present application, unlike the clamp disclosed in Williams, is a surgical clamp. As recited in amended claim 1, the clamp for surgical use

¹ This is not the same conduit (arteries to be used as grafts) that is referred to in the present disclosure.

includes a pair of arms, each having a clamping member in the form of a post extending from the arm substantially perpendicularly to the plane of movement of the arms (see FIG. 2). Moreover, each post has a clamping face whereby vascular tissue can be clamped between the respective clamping members.

The structure of the claimed *surgical* clamp is significant because, during use *in surgery*, the main portion of the clamp is able to rest at the surface of the patient's tissue, with the two posts then extending into the patient (via small incisions) to clamp vascular tissue within the patient.

Williams does not disclose, teach or suggest the structure of the surgical clamp of amended claim 1, and particularly the clamping members comprising posts extending from the arms substantially perpendicular to the plane of pivotal movement of the arms.

In view of the foregoing, Applicants respectfully submit that amended claim 1 recites patentable subject matter over the art of record and request that the instant rejection be reconsidered and withdrawn. Likewise, claims 6, 9, 10, 11 and new claim 17, all of which ultimately depend from claim 1, are believed to be in condition for allowance.

NEW CLAIMS 17 AND 18

New dependent claim 17 ultimately depends from amended claim 1 and, therefore, Applicants submit that claim 17 is allowable for at least the reasons already stated.

New independent claim 18, similar to amended claim 1, is directed to a surgical clamp having two arms, each arm having a clamping member in the form of a post

extending from substantially perpendicularly to the plane of pivotal movement of the arm and having a clamping surface extending beneath the arm. Claim 18, therefore, is believed to be patentable and in condition for allowance for at least the same reasons set forth above.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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